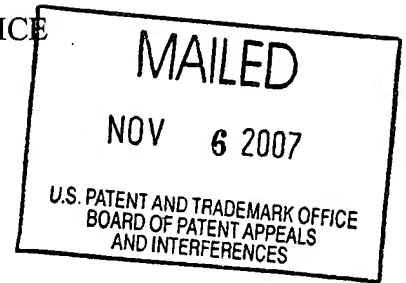


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte : SHIVNANDAN KAUSHIK, LING CEN, JAMES CROSSLAND,
MOHAN KUMAR, LINDA RANKIN AND DAVID O'SHEA

Application No. 10/028,858

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on October 31, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

EXAMINER'S ANSWER

An Examiner's Answer was mailed on May 30, 2007; pages 9, 10 and 14 of the Examiner's Answer identified a reference entitled "PCI Local Bus Specification." This reference was identified as supporting evidence, although it was not used in the rejection of the claims. However, it should be noted that any reference used to support the rejection should also be included in the "Evidence Relied Upon" section.

Application No. 10/028,858

In accordance with MPEP § 1207.02, the "Evidence Relied Upon" should include:

A listing of the "evidence relied on" (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

Correction is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) hold the Examiner's Answer mailed May 30, 2007, defective;
- 2) issue and mail a PTOL-90 that corrects the Evidence Relied Upon section; and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

/PATRICK J. NOLAN/

PATRICK J. NOLAN

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PJN/tsj

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